

# **EXHIBIT 18**

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE NORTHERN DISTRICT OF OHIO  
3           EASTERN DIVISION  
4                   -   -   -  
5

6           IN RE:    NATIONAL                   :   HON. DAN A.  
7           PRESCRIPTION OPIATE               :   POLSTER  
8           LITIGATION                         :  
9   :  
10          APPLIES TO ALL CASES               :   NO.  
11   :   1:17-MD-2804  
12   :  
13

14                   - HIGHLY CONFIDENTIAL -  
15

16          SUBJECT TO FURTHER CONFIDENTIALITY REVIEW  
17                   -   -   -  
18

19                   January 16, 2019  
20                   -   -   -  
21

22                   Videotaped deposition of  
23           KEVIN MITCHELL, taken pursuant to notice,  
24           was held at the Doubletree Resort by  
          Hilton, 2400 Willow Street Pike,  
          Lancaster, Pennsylvania, beginning at  
          9:34 a.m., on the above date, before  
          Michelle L. Gray, a Registered  
          Professional Reporter, Certified  
          Shorthand Reporter, Certified Realtime  
          Reporter, and Notary Public.

25                   -   -   -  
26                   GOLKOW LITIGATION SERVICES  
27                   877.370.3377 ph| 917.591.5672  
28                   deps@golkow.com  
29

1 employment at Frito Lay was what?

2 A. I think it was June of  
3 2000 -- 2000.

4 Q. And why did you leave that  
5 position?

6 A. I was terminated.

7 Q. For what reason?

8 A. I was moving into a role  
9 other than the one that I was in, and  
10 word got out that I was moving before  
11 that actually happened. And so they  
12 terminated me because word got out,  
13 although it didn't get out by me.

14 Q. I'm not sure I entirely  
15 follow. Word got out that you were  
16 moving from one position to another, and  
17 they fired you for that?

18 A. Correct. I was told not to  
19 say anything. I did not say anything.  
20 Someone else -- it got out, and I got  
21 accused of saying it, so they let me go.

22 Q. And what was your next  
23 position after leaving Frito Lay?

24 A. I went to work at Rite Aid

1 in September of 2000 as pharmacy support  
2 manager.

3 Q. Was there a period of time  
4 where you were out of work between the  
5 Frito Lay job and Rite Aid?

6 A. Yes, sir.

7 Q. How many months?

8 A. From June to September. So  
9 three months.

10 Q. And what were your  
11 responsibilities as pharmacy support  
12 manager?

13 A. To provide liaison between  
14 the pharmacy distribution centers and  
15 regulatory agencies, such as DEA, FDA,  
16 cigarette, tobacco, auditors from  
17 different states, and process  
18 improvement.

19 Q. Did you actually manage some  
20 employees in that position?

21 A. I did not.

22 Q. How did you receive training  
23 to -- for your new job?

24 MS. McENROE: Objection to

1 form.

2 MR. SIMMER: Strike that.

3 BY MR. SIMMER:

4 Q. Did you receive any training  
5 for your new job?

6 A. Yes, I did.

7 Q. What kind of training did  
8 you receive?

9 A. The former deputy director  
10 of DEA, Ron Buzzeo, who owned his own  
11 company, Buzzeo PDMA, actually came to  
12 the Perryman, Maryland distribution  
13 center and performed audits, training me  
14 to do the same.

15 Q. So were you working out of  
16 the Perryman facility at that time?

17 A. No, sir.

18 Q. Where were you working out  
19 of?

20 A. Rite Aid headquarters.

21 Q. And where were they?

22 A. Camp Hill, Pennsylvania.

23 Q. Did you receive any written  
24 materials as part of this training?

1 chain regulatory compliance, you  
2 understand that the DEA required that  
3 Rite Aid prevent diversion?

4 MS. McENROE: Objection to  
5 form.

6 THE WITNESS: Yes, sir.

7 BY MR. SIMMER:

8 Q. And based on your work and  
9 experience, you are familiar with the  
10 concept of a "suspicious order" in the  
11 context of controlled substances?

12 MS. McENROE: Objection to  
13 form.

14 THE WITNESS: Yes, sir.

15 BY MR. SIMMER:

16 Q. And what does it mean?

17 A. Suspicious would be  
18 anything, just that, suspicious.

19 Q. Can you clarify what you  
20 mean by a suspicious order?

21 A. Anything abnormal.

22 Q. Where did you gain your  
23 understanding about what a suspicious  
24 order was?

1           A.       Through training with Ron  
2   Buzzeo.

3           Q.       Would that be only at the  
4   conferences that you attended?

5           A.       It really started when Ron  
6   came to train me two months into my  
7   employment.

8           Q.       Back in 2000?

9           A.       Yes, sir.

10          Q.       How extensive was that  
11   training with Mr. Buzzeo?

12          A.       I like to think it was  
13   pretty extensive. We spent three or  
14   four days together going through his  
15   checklist, not just auditing, but  
16   explaining really what the spirit of the  
17   regulations mean, and then how to ensure  
18   that, you know, as a registrant that they  
19   were doing the things needed to do to be  
20   compliant with all the rules and  
21   regulations set forth.

22          Q.       So let me clarify this. You  
23   received three or four days of training  
24   in 2000 when you first began working for

1 Rite Aid, correct?

2 A. That's correct, sir.

3 Q. Did you have any additional  
4 training with Mr. Buzzeo up until those  
5 conferences you talked about, that you  
6 attended later?

7 A. Yes.

8 Q. And what kind of training  
9 did you receive from Mr. Buzzeo in that  
10 interval in between?

11 A. Just the exact same things.

12 Q. He came back?

13 A. Yes, sir.

14 Q. And trained you  
15 additionally?

16 A. We worked together  
17 additionally, yeah. So I can give you an  
18 example. When I first got there, in --  
19 well, 2000 -- in November 2000 Ron and I  
20 performed the training. He performed the  
21 training with me. The results were what  
22 they were.

23 And I invited him to come  
24 back in six months and do a re-audit and,



1     you know, give us a chance to treat  
2     our -- address any deficiencies so that  
3     six months from now when you come back,  
4     you should see a different story.

5                     So four months after the  
6     fact I called Ron and invited him back  
7     and told him we were ready.

8                     Ron came back a week or two  
9     after our phone call and conducted  
10    another audit. He conducted the audit  
11    with me there, again asking questions,  
12    trying to continue to learn and found no  
13    deficiencies.

14                    Q.     So what was he auditing when  
15    he came back the second time?

16                    A.     Could you rephrase? I'm  
17    sorry.

18                    Q.     You said he conducted a  
19    re-audit. What was he actually auditing?

20                    A.     The control drug cage and  
21    all the processes, the SOPs, biennial  
22    inventories, you name at --

23                    Q.     At Perryman?

24                    A.     -- accountability -- yes,

1       sir, at Perryman.

2               Q.       Okay.  So when he first  
3       trained you in 2000, he actually  
4       conducted an audit of Perryman at that  
5       time?

6               A.       Yes, sir.

7               Q.       I take it that that wasn't a  
8       positive audit?

9               A.       That would be correct, sir.

10              Q.       What were the deficiencies  
11       that you recall he noted in -- in 2000?

12              A.       I -- I don't recall  
13       individual.

14              Q.       Was there a written report  
15       that he prepared?

16              A.       Yes, sir.

17              Q.       And is that something that  
18       the company retained in its records as  
19       far as you know?

20              A.       I would assume but I do not  
21       know for sure.

22              Q.       When he came back, I guess  
23       was it four months or six months later?

24              A.       Four months.